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Date July 2, 2004
To OIPE, USPTO
Phone
Fax 703-872-9306
From Eunhee Park
Writer's Phone +1 212 891 3577
Writer's Fax +1 212 310 1677
Client/Matter No. 56129861-271
Re Application no. 10/750,009
Pages (w/cover) 9

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Please see attached.

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PTO/SB/21 (02-04)


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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/750,009
	Filing Date	12/30/2003
	First Named Inventor	Anthony Piccirilli
	Art Unit	2121
	Examiner Name	
Total Number of Pages In This Submission	Attorney Docket Number	56129861-271

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): Declaration and Power of Attorney.
Remarks This correspondence is being facsimile transmitted to the USPTO at 703-872-9306 on July 2, 2004.		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Eunhee Park, Esq. (reg. no. 42,976)	
Signature		
Date	7/2/2004	

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Typed or printed name	Amelia Finker	
Signature		Date 7/2/2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Anthony Piccirilli, et al.

Art Unit: 2121

Serial No.: 10/750,009

Examiner: TBA

Filing Date: December 30, 2003

Date: July 2, 2004

TITLE: **SYSTEM AND METHOD FOR MEASURING MIDDLEWARE
RESPONSE TIME**

OFFICIAL

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Dear Sir:


This responds to the Notice to File Missing Parts of Nonprovisional Application dated May 4, 2004, a copy of which is enclosed.

Enclosed is a Declaration and Power of Attorney document executed by the inventors in the above-identified application.

This should correct the informalities and overcome the objections raised.

CERTIFICATE OF TRANSMISSION

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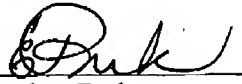


Amelia Finker

NYCDMS/425535.1

The Commissioner of Patents is hereby authorized to charge the surcharge fee of \$130.00 and any other fee that may be required to Deposit Account No. 02-0393.

Respectfully submitted,



Eunhee Park
Registration No. 42,976
Baker & McKenzie
805 Third Avenue
New York, NY 10022
Telephone (212) 751-5700
Facsimile (212) 759-9133



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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/750,009	12/30/2003	Anthony Piccirilli	56129861-271

26453
BAKER & MCKENZIE
805 THIRD AVENUE
NEW YORK, NY 10022

CONFIRMATION NO. 9321

FORMALITIES LETTER



OC000000012526559

Date Mailed: 05/04/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

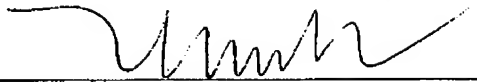
SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$130 for a Large Entity

- \$130 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

A handwritten signature in black ink, appearing to be 'Ummr', is written over a horizontal line.

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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE